

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

*Ahold USA, Inc., et al. v. Actavis
Holdco U.S., Inc. et al.*

*1199SEIU Nat'l Benefit Fund, et
al. v. Actavis Holdco US, Inc.*

*Humana Inc. v. Actavis Elizabeth,
LLC et al.*

*West Val Pharm., et al. v. Actavis
Holdco U.S., Inc.*

*The Kroger Co., et al. v. Actavis
Holdco U.S., Inc.*

MDL 2724
16-md-2724

HON. CYNTHIA M. RUFFE

Civil Action Nos.

18-2641
18-2401
18-3299
18-2533
18-284

ORAL ARGUMENT REQUESTED

**DEFENDANT PERRIGO NEW YORK, INC.'S INDIVIDUAL MOTION TO DISMISS
PLAINTIFFS' "OVERARCHING CONSPIRACY" CLAIMS**

Pursuant to Fed. R. Civ. P. 12(b)(6), Perrigo New York, Inc. (“Perrigo”) hereby moves to dismiss the following with prejudice:

1. With respect to the Direct Purchaser Plaintiffs’ First Amended Complaint [No. 18-2641, Dkt. 11], Perrigo hereby moves to dismiss the Complaint against Perrigo;
2. With respect to the End Payor Plaintiffs’ Complaint [No. 18-2401, Dkt. 2], Perrigo hereby moves to dismiss Counts One through Four against Perrigo;
3. With respect to Plaintiff Humana, Inc.’s Amended Complaint [No. 18-3299, Dkt. 30], Perrigo hereby moves to dismiss Counts CVI-CX against Perrigo;
4. With respect to the Indirect Reseller Plaintiffs’ Amended Overarching Complaint [No. 18-2533, Dkt. 4], Perrigo hereby moves to dismiss Counts One through Five against Perrigo;
5. With respect to Plaintiffs The Kroger Co., Albertsons Companies LLC, and H.E. Butt Grocery Company L.P.’s (“Kroger Plaintiffs”) Complaint [No. 18-284, Dkt. 37], Perrigo hereby move to dismiss Count One against Perrigo;

In support of this Motion, Perrigo relies upon Perrigo’s Memorandum of Law in Support of Its Individual Motion to Dismiss Plaintiffs’ “Overarching Conspiracy” Claims, which is being filed contemporaneously with this Motion.

For all the reasons set forth therein, Plaintiffs’ overarching conspiracy claims against Perrigo should be dismissed with prejudice.

Dated: February 21, 2019

Respectfully submitted,

/s/ J. Clayton Everett, Jr.

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